



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-068**

July 12, 2006

John Allard
Bella Domani Limited
27 Trenton St.
Manchester, NH 03104

RE: DES Wetlands File #2005-00314, Poocham Rd, Chesterfield

Dear Mr. Allard:

On June 21, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Chesterfield Tax Map 3 as Lot 1 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. Wetlands Bureau permit # 2005-314, issued on March 21, 2005, approved a single culvert crossing for an access road. The approved plan calls for a 12" culvert, approximately 50 feet long. The existing culvert is 18" and headwalls have not been installed, resulting in erosion around the culvert inlet and outlet and sediment deposition in the wetland.
2. A second culvert appeared to have impacted a seasonal drainage. Headwalls had not been installed, resulting in erosion and sedimentation in the intermittent stream channel.
3. A third culvert had been installed which outlets into an intermittent stream. The culvert measures 24" in diameter and approximately 83 feet in length. A headwall had been installed at the inlet only. The outlet was unstable and eroding. Sediment deposition occurred in the downstream channel for approximately 40 linear feet.
4. A channel had been created leading to the inlet of the third culvert. The channel had been dug and not stabilized. This contributed to the sedimentation of the stream channel.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant, and include provisions for removing the sediment deposited in jurisdictional areas

and stabilizing the crossings and disturbed soils on the Property. All seasonal drainages should be depicted on this plan. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of how the area will be stabilized in the location of the third culvert. This should include specifications on the type of erosion control and include provisions for stabilizing the surface during heavy or prolonged rain events when seeding and mulching may not be appropriate (such as the use of erosion control blankets/matting).
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area;
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. Restoration should be accomplished by September 1, 2006;
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum an initial monitoring progress report immediately following restoration activities and an additional monitoring report for one successive growing season following completion of the restoration project.
2. Retain a qualified consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, bold, outlined word "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0695 1532

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Chesterfield Conservation Commission
SVE Associates